

ORIGINAL

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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UNITED STATES OF AMERICA §
 §
v. § No. 3:11-CR-212-N
 §
JERRY GOH (03) §

FACTUAL RESUME

SUPERSEDING

INFORMATION: Count One, Misprision of a Felony, a violation of 18 U.S.C. § 4.

**MAXIMUM
PENALTY:**

- a. imprisonment for a period not to exceed 3 years;
- b. a fine not to exceed \$250,000, or twice any pecuniary gain to the defendant or loss to the victim(s);
- c. a term of supervised release of not more than 1 year, which may be mandatory under the law and will follow any term of imprisonment. If Goh violates the conditions of supervised release, he could be imprisoned for the entire term of supervised release;
- d. a mandatory special assessment of \$100.00;
- e. restitution to victims or to the community, which is mandatory under the law, and which Goh agrees may include restitution arising from all relevant conduct, not limited to that arising from the offense of conviction alone;
- f. costs of incarceration and supervision; and
- g. forfeiture.

**ELEMENTS OF
THE OFFENSE:**

In order to establish the guilt of the defendant of the offense of Misprision of a Felony, a violation of 18 U.S.C. § 4, the government must prove each of the following elements beyond a reasonable doubt:

That on or about the date(s) and location alleged in Count One of the superseding information:

1. A federal felony was committed, namely, bank fraud;
2. The defendant had knowledge of the commission of that felony;
3. The defendant failed to notify an authority as soon as possible. An "authority" includes a federal judge or some other federal civil or military authority, such as a federal grand jury, Secret Service or FBI agent; and
4. That the defendant did an affirmative act, as charged, to conceal the crime of bank fraud.

**STIPULATED
FACTS:**

On or about December 24, 2007, in the Northern District of Texas, defendant Jerry Goh, having knowledge of the actual commission of a felony cognizable by a court of the United States, namely, bank fraud, did conceal the offense of bank fraud by committing an affirmative act to conceal the crime of bank fraud by concealing from Prosper Bank of Prosper, Texas that escrow officer Goh wired \$498,720 of lender Prosper Bank's funds from an escrow

account, knowing that these seller proceeds funds would later be used as the source of borrower Lina Ma's down payment (equity injection) on borrower Lina Ma's loan from Prosper Bank, and Goh did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

Although defendant Goh is stipulating that he is guilty of the offense of misprision of a felony, defendant Goh is not stipulating that he is guilty of the offense of bank fraud, as charged in Count Two of the indictment.


That on or about the date(s) and location alleged in Count One of the superseding information:

1. A federal felony was committed, namely, bank fraud;
2. The defendant had knowledge of the commission of that felony;
3. The defendant failed to notify an authority as soon as possible.

An "authority" includes a federal judge or some other federal civil or military authority, such as a federal grand jury, Secret Service or FBI agent; and

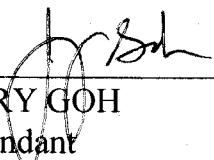
4. That the defendant did an affirmative act, as charged, to conceal the crime of bank fraud.

The above stipulated facts are all true and correct:



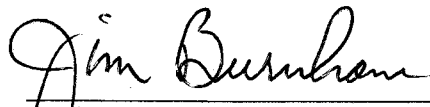
DAVID L. JARVIS
Assistant United States Attorney

4-11-13
Date




JERRY GOH
Defendant

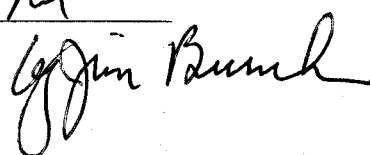
4/15/13
Date



JIM BURNHAM
Attorney for Defendant

4/15/13
Date



MICHAEL J. UHL
Attorney for Defendant 

4/15/13
Date